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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

MAXIMILIAN KLEIN, et al., on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

META PLATFORMS, INC., a Delaware  
Corporation,

Defendant.

Case No. 3:20-cv-08570-JD

**STIPULATED [PROPOSED] ORDER  
REGARDING WITHDRAWAL OF  
SEALED MATERIAL SUBMITTED IN  
CONNECTION WITH TERMINATED  
USER MERITS MOTIONS**

Judge: Hon. James Donato

1 WHEREAS, on April 5, 2024, Meta moved for summary judgment on the claims raised by  
2 the User Plaintiffs. Dkt. 768. Meta also moved to exclude certain proposed testimony from certain  
3 of User Plaintiffs' putative merits-stage expert witnesses, Dkts. 770, 773, 777. User Plaintiffs  
4 moved to exclude certain proposed testimony from certain of Meta's merits-stage expert witnesses,  
5 Dkts. 765, 778, 779, 780.

6 WHEREAS, this Court held a status conference on April 18, 2024 and issued a  
7 corresponding minute order, through which it, among other things, terminated without prejudice  
8 or struck the above-referenced motions (the "Terminated User Merits Motions"). Dkt. 789; Dkt.  
9 788, April 18, 2024 Hr'g Tr. 3:21-5:4, 18:4-7.

10 WHEREAS, in connection with briefing on the Terminated User Merits Motions, the  
11 parties provisionally filed under seal certain materials containing the parties' and multiple non-  
12 parties' confidential or highly confidential information. Dkts. 766, 767, 769, 771, 772, 776.  
13 Pursuant to this Court's order modifying the sealing procedures for dispositive motions and merits  
14 *Daubert* motions briefing, Dkt. 745, these sealed filings were accompanied by interim  
15 administrative motions to seal indicating that the reasons for sealing would be discussed in later-  
16 filed omnibus sealing motions.

17 WHEREAS, this Court's order modifying the sealing procedures for the dispositive and  
18 merits *Daubert* motions briefing set a schedule for the submission of omnibus sealing motions  
19 concerning materials submitted in support of the Terminated User Merits Motions. Dkt. 745. This  
20 Court terminated without prejudice or struck the Terminated User Merits Motions prior to the  
21 completion of briefing, and omnibus sealing motions associated with them have not yet been filed.

22 WHEREAS, Civil Local Rule 79-5(g)(2) provides that the Court may resolve a motion to  
23 file materials under seal by permitting the parties to withdraw the sealed material.

24 WHEREAS, in light of the Court's orders that the Terminated User Merits Motions have  
25 been terminated without prejudice or struck, Meta and the User Plaintiffs respectfully submit that  
26 the appropriate resolution of the interim administrative motions to seal materials submitted in  
27 connection with the Terminated User Merits Motions is for the Court to order that the sealed  
28 materials are withdrawn.

1 WHEREAS, Meta and the User Plaintiffs understand that this Court has previously  
 2 resolved motions to seal materials submitted in connection with a substantive motion that was  
 3 terminated without prejudice prior to a ruling in a similar fashion. *Broadcom Corp. v. Netflix Inc.*,  
 4 2024 WL 390037, at \*1 (N.D. Cal. Jan. 31, 2024) (Donato, J.) (material subject to “a set of sealing  
 5 motions” “ordered withdrawn” after underlying substantive motion was “terminated without  
 6 prejudice” and “the Court did not rule on” it).

7 WHEREAS, Meta and the User Plaintiffs respectfully submit that this disposition is most  
 8 efficient for this Court, the parties, and implicated non-parties, as it would forgo the need for the  
 9 parties to submit, and for this Court to rule on, omnibus sealing motions concerning the Terminated  
 10 User Merits Motions.

11 WHEREAS, Meta and the User Plaintiffs agree that the withdrawal of the sealed materials  
 12 submitted in connection with the Terminated User Merits Motions is not intended to, and does not,  
 13 constitute a waiver or forfeiture of any right, argument, or issue by any party, including for  
 14 purposes of appeal; is without prejudice to the right of any party to re-file or rely on the same  
 15 material at a later stage of the case; and is without prejudice to the right of any party or non-party  
 16 to seek to seal the same material if it is re-filed at a later stage of the case.

17 NOW, THEREFORE, IT IS STIPULATED AND AGREED SUBJECT TO THE  
 18 COURT’S APPROVAL:

- 19 • All sealed material filed in connection with the Terminated User Merits Motions,  
 20 at Dkts. 766, 767, 769, 771, 772, and 776, is ordered withdrawn. *See* Civ. L.R. 79-  
 21 5(g)(2).
- 22 • The parties need not file an omnibus sealing motion concerning the sealed material  
 23 filed in connection with the Terminated User Merits Motions.
- 24 • Because the sealed material filed in connection with the Terminated User Merits  
 25 Motions is withdrawn, the Court will not unlock the docket entries associated with  
 26 the sealed material.
- 27 • This order does not cause the waiver or forfeiture of any right, argument, or issue  
 28 by any party, including for purposes of appeal; is without prejudice to the right of

1 any party to re-file or rely on the same material at a later stage of the case; and is  
2 without prejudice to the right of any party or non-party to seek to seal the same  
3 material if it is re-filed at a later stage of the case.  
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5 **IT IS SO STIPULATED.**  
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DATED: May 23, 2024

Respectfully submitted,

By: /s/ Shana E. Scarlett  
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**SIGNATURE ATTESTATION**

This document is being filed through the Electronic Case Filing (ECF) system by attorney Sonal N. Mehta. By her signature, Ms. Mehta attests that she has obtained concurrence in the filing of this document from each of the attorneys identified on the caption page and in the above signature block.

By: /s/ Sonal N. Mehta  
Sonal N. Mehta

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
JAMES DONATO  
United States District Judge